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REMARKS

Applicant has tried to contact Examiner Bengzon for purposes of an interview but has been informed that Examiner Bengzon is not available until January 2006. It is requested that Examiner Bengzon contact the undersigned attorney when he returns for purposes of an interview.

The Final Office Action rejected Claims 1, 3-7, 9-20 and 27-32 as being obvious under 35 U.S.C. §103 over the previously cited *Humpleman et al* (U.S. Patent No. 6,546,419) in view of the previously cited *Hanai et al* (U.S. Patent No. 5,557,585), and the newly cited *Jackson* (U.S. Patent No. 5,963,264). The *Humpleman et al* reference was considered to be the primary teaching in formulating the rejection.

The *Humpleman et al* reference addressed previous problems with remote controls that were attempting to control a number of different home devices having various control and command logic. *Humpleman et al* also noted the limitation in signal range of a remote control unit, and that most remote control units did not have automatic software capabilities to permit communication between devices to accomplish tasks without having a direct user command. *Humpleman et al's* solution was to provide a client device that could be connected to a home network for displaying a user interface that could contain information on each of the network devices and display the selected information on a user interface. The user interface would have the software capacity to control compatible devices directly and could further update information, for example, when a new home device is connected to the network.

The Office Action acknowledged that the *Humpleman et al* device did not teach or disclose the use of a plurality of specific timer modules that could be selected to provide standard times to instruct specific devices to start executing events that have been predetermined.

However, the Office Action relied upon the *Hanai et al* reference to teach a system for acquiring a standard time.

The *Hanai et al* reference was directed to automatically setting an internal clock in a broadcast signal receiver such as a video tape recorder. By setting the internal clock, the user of the video tape recorder is relieved from performing this operation and since the internal clock could be set automatically, even if there is a loss of power or a change between a daylight saving time and a standard time, the clock could be periodically set automatically to local time by tuning it to a local broadcast signal appropriately carrying time data which indicates the local time. Various events or conditions could be utilized to determine when the internal clock would be adjusted or set.

Thus, the *Hanai et al* reference was teaching an intelligent video tape recorder with a broadcast receiver receiving timing signals broadcast within a local area to automatically set an internal clock to local time from only one source.

Finally, the Office Action contended that the *Jackson* disclosure permitted a hypothetical combination of technology from *Humpleman et al* and *Hanai et al* to enable each device on a network to be programmed to act independently of the other device.

The *Jackson* reference, however, was basically directed to a television receiving device to control a videocassette recorder, and to interface it with electronic programming guides that would be periodically updated, for example, through a digital data stream received through a dish or satellite link conforming to MPEG-2 standards for television programming. *Jackson* noted that different VCR IR codes existed and accordingly, his system required IR codes for every model VCR to be downloaded via the data stream link. This permitted manufacturers to periodically introduce new models that could require different codes for different functions.

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Another important requirement of the *Jackson* reference was to have the satellite receiver to incorporate a high powered infrared generator capable of saturating IR energy within the local area in which the VCR device was installed so that a line of sight of the VCR's IR receiver with the IR generator was not required, see Column 3, Lines 7-19.

In operation, video and audio information could be processed and an electronic programming guide could be stored in a memory of the satellite receiver and displayed on a television screen to permit a user to select desired programming selections. A user also could select from the updated VCR IR code list the specific VCR that they are using to empower the remote or user interface for controlling the operation of that VCR. By providing a wireless control with a high powered IR generator, the system was basically user friendly without requiring hard wire connections.

The present rejection is respectfully traverse since the *Jackson* reference does not provide any teaching that would address the deficiencies of the previously cited *Humpleman et al* and *Hanai et al* references.

> "Our reviewing courts have often advised the Patent and Trademark Office that it can satisfy the burden of establishing a *prima facie* case of obviousness only by showing some objective teaching in either the prior art, or knowledge generally available to one of ordinary skill in the art, that "would lead" that individual "to combine the relevant teachings of the references." *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 899, 13 U.S.P.Q. 2d 1248 (Fed. Cir. 1989). Accordingly, an examiner cannot establish obviousness by locating references which describe various aspects of a patent applicant's invention without also providing evidence of the motivating force which would impel one skilled in the art to do what the patent applicant has done."

Ex parte, *Levengood*, 28 U.S.P.Q. 1300, 1302 (Fed. Cir. 1993)

In utilizing the requirement of an objective teaching, that would lead one of ordinary skill in the art to combine the teachings from these three references, we note that on Page 4 of the

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Office Action there is an acknowledgment that the *Humpleman et al* reference did not disclose any apparatus actively sending requests to acquire a timer source clock and synchronizing a plurality of device clocks accordingly, and further did not disclose any calculation means to determine the difference between the local time and the standard time.

Referring to the *Hanai et al* reference, time data is extracted from "special information," known as VBI data that is multiplexed onto a broadcast signal. See Column 4, Lines 31-57 and Figure 2B. The local broadcast signal requires the receiver to be tuned to a fixed channel, and information that is transmitted in a one-way direction. It is accordingly apparent that the time data is not transmitted in response to an acquisition request as defined in our claims. Thus, the operation of the *Hanai et al* reference is basically different from "the apparatus actively sending requests to acquire the timer source clock and synchronizing the device clocks accordingly," which was originally found in our Claim 1.

As can be appreciated, it is necessary in finding objective teachings with a §103 rejection, to be careful in not relying upon the present application as being a template for collecting the prior art. Thus, if the Office Action relies upon the disclosure of the transmission reception of the acquisition request between two apparatus (the cable box 1 and the video tape recorder 2) on the receiving side in the *Hanai et al* disclosure, to be in effect the "apparatus actively sending requests to acquire the timer source clock." Such an interpretation to our claim language would be inappropriate.

In the *Hanai et al* reference, the acquisition request is only transferred between two apparatus on the receiving side. That is, the received information could be considered a "start signal." It does not influence the synchronization device clocks. *Hanai et al* device teaches a passive receptive device dependent upon a local broadcast signal to periodically provide

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calibrating time data to indicate a local time. It does not disclose that the receiving side of the standard time sends the transmitting side a request to acquire the timer source clock to accommodate the features of our present invention.

Hanai et al reference basically teaches time data being broadcast from a set channel to the receiving side, regardless of when the receiving side would seek the time. The transmission of such time data could be interrupted one sidedly when captioned data is transmitted. As a result, it is impossible for *Hanai et al* to receive the standard data continuously, as can be seen from the interruptions of captioned data in Figure 2B.

In our claims, a timer module transmits a standard time only if it receives an acquisition request and the transmission of the standard time is not interrupted or spaced as in the *Hanai et al* disclosure. It is, therefore, possible to receive the standard data continuously and proficiently deal with a plurality of device clocks.

As mentioned above, the *Hanai et al* reference provides the time data on a periodic multiplexing of a local fixed broadcast channel. See, for example, the flowchart in Figure 3 that discloses when the VCR power is off, a calibration sequence is provided for setting the internal clock in the VCR. see Column 5, Line 59 through Column 6, Line 4:

> "Since the operation of automatically setting the internal clock requires that time data be received and such time data is included only on selected broadcast signals, causing the tuner to tune to the selected broadcast signal while video tape recorder 2 is on (i.e., the user has not manually turned off video tape recorder 2) causes an undesirable change in the channel selection. Such a change in channel selection during the operation of video tape recorder 2 may cause either interrupted viewing of a selected channel or an interruption of the recording of a broadcast program. Accordingly, these undesirable interruptions are avoided by deferring the automatic setting of the internal clock control after the video tape recorder 2 is turned off."

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Further, referring to the teaching in the *Hanai et al* reference associated with Figure 5,

the microcomputer in the video tape recorder can limit the setting of the internal clock based on

the broadcast signal to prevent any loss video data from being recorded, as shown in Column 7,

Lines 15-20:

> "In the embodiment shown in FIG. 5, the microcomputer 22 does not set
> the internal clock when video tape recorder 2 is about to begin recording.
> This prevents the internal clock from being set when there is a possibility
> that setting the internal clock may cause a 'skipping over' of the
> programmed record start time."

For the above reason, *Hanai et al* teaches avoiding the receiving of time data in setting

the internal clock when it determines whether to start a "preprogram" recording. The *Hanai et al*

merely discloses a construction in which the apparatus on the receiving side extracts time data

from a local broadcast signal that is periodically transmitted from a broadcast station in a one-

way direction and subsequently synchronizing a VCR clock based on this extracted time data and

subject to the above listed limitations.

Referring to Claim 1, a plurality of target apparatus are connected to each other on a

network on the basis of equality and target apparatus can synchronize the operation timing for an

event. As such, it is possible to specify a different timer module that is most suitable for each

event and to cause the target apparatus to perform the event in synchronization with each other

based on the time measured by the specific designated timer module. For example, the time

managed apparatus would permit a network of computers in Japan to perform event A in

synchronization with each other based on a time measured by a Japanese astronomic observatory

and then to perform an event B in synchronization with each other based on a time signal

measured by a client's personal computer in the USA.

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There certainly is no teaching of this ability in any combination of the references cited,

let alone an objective teaching that can realize the construction and advantageous effects of

Claim 1.

As noted above, the newly cited *Jackson* reference is likewise deficient in teaching any of

these features. A person of ordinary skill in the field would simply be provided an updated

electronic programming guide having various VCR IR codes that can enable a user to select a

specific model of a VCR that he wishes installed in his home system and a high energy IR

generator that can control the VCR.

As can be readily determined, Claim 6 has also been amended and incorporates the

feature of specifying the most suitable timer module for each event and causing target apparatus

to perform the event in synchronization with each other based on the time measured by the

specified timer module. These advantageous features are also found in independent Claims 12-

20 and 27-32.

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       If the Examiner believes that a telephone interview would help further the prosecution of

this case, the undersigned attorney can be contacted at the listed telephone number.

I hereby certify that this correspondence is being transmitted via facsimile to the USPTO at **571-273-8300** on December 27, 2005.	Very truly yours, **SNELL & WILMER L.L.P.**

By: _____Sharon Farnus_____

Signature

Dated: December 27, 2005

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